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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,360	07/14/2003	Yechezkal Evan Spero		1359
37268	7590	02/10/2005		
YECHEZKAL EVAN SPERO 74 MOSHAV TIFRACH M. P. HANEDEV, 85102 ISRAEL			EXAMINER TRUONG, BAO Q	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/604,360

Applicant(s)

SPERO, YECHEZKAL EVAN

Examiner

Bao Q. Truong

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 7-10 and 13-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Invention I including Species I in the reply filed on 13 January 2005 is acknowledged. The traversal is on the ground(s) that Species II and III is a physical device based on the multiple light source illumination system of Species I. This is not found persuasive because Species II and III is luminaire device having different structures and light modifiers, so that they are patentably distinct. In view of these, Species I, including claims 1-6 and 11-12 are examined.

Specification

2. The abstract of the disclosure is objected to because the total number of words is exceeding 150. Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claims 1-4, 6, 10 and 12 are objected to because of the following informalities:

Claim 1, "its" in line 19 should be changed to what it refers.

Claim 2, there is lack of antecedent basis for "the correct light intensity, ..." in line 4; the phrase "capable, in combination, of" in line 7 is not clear.

Claim 3, there is lack of antecedent basis for "the correct light intensity, .." in line 1; and the phrase "capable, in combination, of" in line 6 in not clear.

Claim 4, are "plurality of independent light sources" and "a structure" different from claim 1?

Claim 6, there is lack of antecedent basis for "said controller" in line 1 and "the luminaire" in line 20.

Claim 10, preamble "The luminaire of claim 6" should be changed to –The illuminating device--; there is lack of antecedent basis for "said self-adjusting"; or "claim 6" in line 1 should be changed to –claim 7--.

Claim 12, "SLS" should be changed to what it stands for.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 4 is rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

6. Claims 11-12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "the application", "the illumination area", and "the light source". There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "the correct light intensity", "the lighting application", "the luminaire mounting height", "the required illumination", "the required distribution pattern", and "the glare rating". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-5 and 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Amerson et al. [US 6,379,022].

Regarding claim 1, Amerson et al. discloses an illuminating device having a plurality of light sources [402, 404] attached to a structure with a predetermined form [rectangular], which have a spatial light intensity distribution characteristic and a mixing,

Art Unit: 2875

adding and distribution of emanating light (figures 4-6, column 2 lines 62-67, column 3 lines 20-33 and 40-44).

Regarding claim 2, Amerson et al. discloses a plurality of individual light sources [402, 404] (figures 4 and 5, column 2 lines 62-67).

Regarding claim 3, Amerson et al. discloses a means for changing light emanating characteristic of light sources (figures 1-3, column 3 lines 19-25 and column 5 lines 40-45).

Regarding claim 4, Amerson et al. discloses an illuminating device having a plurality of independent light sources [402, 404] attached to a structure with a predetermined form [rectangular], which have a spatial light intensity distribution characteristic and a mixing, adding and distribution of emanating color light (abstract, figures 1-6, column 2 lines 62-67, column 3 lines 20-33 and 40-44).

Regarding claim 5, Amerson et al. discloses a power supply [battery] (column 5 lines 51-52).

Claim 11, Amerson et al. discloses a method for designing an application oriented luminaire having determining application and illuminance requirement [capture an image with a digital camera], determining illumination area [object to be capture], and determining light source aiming [LEDs] (figure 4, column 1 lines 11-67, column 2 lines 1-37).

Claim 12, Amerson et al. discloses steps of determining lighting application and recommended lighting practice for the application [capture an image with a digital camera], determining luminaire mounting height [figure 4], determining light power

Art Unit: 2875

required [light intensity control], selecting SLS types [color R, G, B LEDs], determining electronics to control [control system], determining lighting fixture surface geometry [rectangular, figure 4], and determining glare rating [light intensity control] (abstract, figures 1-6, column 1 lines 11-67, column 2 lines 1-37).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amerson et al. in view of Lys et al. [US 6,340,868].

Regarding claim 6, Amerson et al. discloses a control system to adjust light intensity (column 5 line 40); but Amerson et al. does not clearly disclose the controller being selected from the closed loop controller by use of a programming method.

Lys et al. discloses the controller being selected from the closed loop controller by use of a programming method for a current control of a LED lighting assembly (abstract, figures 1-2, column 4 lines 57-65, column 5 lines 3-5, column 6, lines 53-57, column 9 lines 45-55, column 16 lines 56-63).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the control system of Amerson et al. by the current

controller as taught by Lys et al. to adjust light intensity and color for purpose of providing an advantageous way of more accuracy controlling current flow into LEDs.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lodhie [US 5,577,832] discloses a LED assembly; Stam et al. [US 6,498,440] discloses an illuminator assembly.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (8:00 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

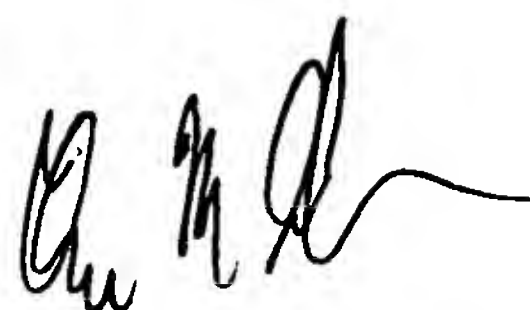
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bao Q. Truong

Application/Control Number: 10/604,360
Art Unit: 2875

Page 8

Examiner
Art Unit 2875

A handwritten signature in black ink, appearing to read 'T. M. Sember', with a long horizontal flourish extending to the right.

THOMAS M. SEMBER
PRIMARY EXAMINER